

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANDREW ETAPA,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

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Case No. 5:08-CV-1972

JUDGE KATHLEEN M. O'MALLEY

ORDER

The Commissioner of Social Security (“Commissioner”) denied social security benefits to the Plaintiff, Andrew Etapa (“Etapa”), in the above-captioned case. Etapa sought judicial review of the Commissioner’s decision, and this Court referred the case to Magistrate Judge Nancy A. Vecchiarelli for preparation of a Report and Recommendation (“R&R”) pursuant to Local Rule 72.2(b)(1) and 28 U.S.C. § 636(b)(1)(B). Both parties filed briefs in support of their respective positions. (Docs. 12 and 13.) The Magistrate Judge then submitted her R&R on May 5, 2009, recommending that the Court affirm the decision of the Commissioner as supported by substantial evidence. (Doc. 14.) At the conclusion of the R&R, the Magistrate Judge specifically advised the parties of their right to object to the R&R and of the consequences of their failure to do so in a timely fashion. (*Id.* at 25.) To date, neither party has filed an objection to the R&R, and the time period for doing so expired on May 19, 2009.

The Court has reviewed the Magistrate Judge's R&R and agrees with the Magistrate Judge's conclusions. (*See id.* at 18-25.) Because neither party has objected to the Magistrate Judge's comprehensive and well-reasoned R&R, further explanation of the Court's reasoning is not required. *Tuggle v. Seabold*, 806 F.2d 87, 92-93 (6th Cir. 1986); *see also United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that the failure to object to a magistrate judge's report and recommendation constitutes a waiver of the right to appeal the district court's order); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 508-09 (6th Cir. 1991) (same).

Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R, thus **AFFIRMING** the Commissioner's decision denying social security benefits to Etapa.

IT IS SO ORDERED.

Date: May 26, 2009

s/Kathleen M. O'Malley
KATHLEEN MCDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE